IN THE HIGH COURT OF BOMBAY AT GOA
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CRIMINAL REVISION APPLICATION NO. 10 OF 2002

Architect Bruno Dias
Souza, r/o House No.
Altinho, Panaji, Goa. ... Petitioner

Versus

1. Mr. Gustavo Renato Pinto,
r/o Santa Cruz, and

2. Mr. Lucio Miranda,
Nizari Bhavan,
2nd Floor,
Panaji, Goa. ... Respondents.

Shri V. Menezes, advocate for the petitioner.

Shri V. A. Lawande, advocate for the respondents.

CORAM: D. G. DESHPANDE, J.

DATE: 30th January, 2003.

ORAL JUDGMENT

The petitioner was the original complainant. He filed a private complaint for infringement of the copyrights. The accused appeared in the matter. At the stage of evidence before charge, the complainant filed an application for summoning a particular witness. His application was rejected by the Court on the ground that in the list of witnesses, the name of the said witness was not given and also on the ground that the Court had not framed charge against the accused persons and, therefore, Section 244 of the Code of Criminal Procedure does not come into play while deciding the application, as Chapter 19 of the Code of Criminal Procedure lays down the procedure after framing the charge.

2. Whatever be the stage, admittedly, the accused

had appeared before the court and, thereafter, this application was filed for summoning the witness. Even if the name was not there, by issuing summons the accused was not going to be taken by surprise. He would have all the opportunity of cross-examination of the witnesses and, therefore, the Order is totally illegal and perverse.

3. The impugned Order dated 30th November, 2001, is, therefore, quashed and set aside. The application of the complainant for issuing summons is allowed. Parties to appear before the trial Court on 17th February, 2003.

D.G. DESHPANDE, J.

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